

U. S. vs. MONTGOMERY, NELSON GABRIEL (23)

Case Filed Yr. Docket No. Def. 12 12 75-CR-174 - 1 No. of 1 * Defendants

Felony ☒ JUDGE/MAGISTRATE 8509 Assigned Trial 1085 4 District Office 6-1-76 Minor Offense ☐ Other Misdemeanor ☐

I. CHARGES

U. S. CODE SECTION 18:1201(a) OFFENSES Kidnapping (Any term of yrs. or life - discretion of Court) COUNTS 1

ATTORNEYS

U.S. Attorney or Asst. Hubert H. Bryant Asst. U.S. Attorney Defense: ☒ CJA, ☐ Ret; ☐ Waived, ☐ Self, ☐ None ☐ Other, ☐ PD, ☐ CD A.A. Berringer PH: 584-2451 711 Beacon Bg., Tulsa 74103

II. KEY INTERVALS & DATES

ARREST 1 12-15-75 or U.S. Custody Began on Above Charges 12-15-75 High Risk Defn. & Date Design'd ☐ Prosecution Deferred INDICTMENT ☒ 2 12-12-75 Information ☐ Waived ☐ Superseding ☐ Indict/Info ☐ ARRAIGNMENT 3 12-16-75 1st Plea " Final Plea 1-8-76 Trial Set For 1-12-76 ☒ Not Guilty ☐ Nolo ☐ Guilty ☐ Not Guilty ☒ Nolo ☒ Guilty TRIAL 4 Voire Dire ☐ Trial Began ☐ J ☐ N Trial Ended Disposition ☒ Convicted ☐ Acquitted ☐ Dismissed: ☐ WOP; ☐ WP- ☐ Nollo/Discontinued* SENTENCE 6-1-76 On All Charges ☒ On Lesser* Offense(s) ☐ Bail Not Made ☐ Bail Status Changed (See Docket) ☐ Personal Recog. ☐ Unsecured Bond ☐ Conditional Release ☐ 10% Deposit ☐ Surety Bond ☐ Collateral ☐ 3rd Party Custody ☐ PSA

III. MAGISTRATE

	Issued	DATE	INITIAL/No.	INITIAL APPEARANCE	INITIAL/No.	OUTCOME
Search Warrant	Return			PRELIMINARY EXAMINATION OR REMOVAL HEARING <input type="checkbox"/> Waived <input type="checkbox"/> Not Waived <input type="checkbox"/> Intervening Indictment		<input type="checkbox"/> Dismissed <input type="checkbox"/> Held for District GJ <input type="checkbox"/> Held to Answer to U. S. District Court AT: Magistrate's Initials
Summons	Served					
Arrest Warrant						
COMPLAINT				Tape No.	INITIAL/No.	
OFFENSE (In Complaint)						

IV. MAGISTRATE & DISTRICT COURT DOCKET ENTRIES

* Show last names and suffix numbers of other defendants on same indictment/information		V. Excludable Delay			
DATE	PROCEEDINGS	(a)	(b)	(c)	(d)
12-12-75	Record vote of Grand Jury Concurring, fld. in Open Court. v				
12-12-75	Indictment, fld. in Open Court. Bond set at \$50,000.00, cash. (AEB-J)v	2	12-12-75	M	
12-12-75	Warrant issued. v				
12-12-75	Petition for WHCAP in re 12-16-75, fld. v -o -w/i				
12-12-75	Order, fld., granting WHCAP. (AEB-J)v				
12-12	MO: Case set for Arraign. 12-16 at 10 a.m. (AEB-J)v -cps mld.				
12-15	Hearing before MLB, Mag.				
12-16	Case called for arraignment. Deft. present & represented. Govt. represented. Deft. acknow. receipt of indict. & is advised of charge. Deft. arraigned & enters plea of NOT GUILTY. Case set for trial 1-12-76, 9:30 A.M. Deft. given 10 days to file motions & Govt. 5 days to respond. Deft. remanded to custody of USM.(AEB-J)b	2	12-15-75	M	4
12-23-75	MO: Case set for jury trial on 1-12-76, 9:30 A.M., (AEB-J) nts. mld. b				
1-5-76	MO: Case set for change of plea on 1-7-76, 9:30 A.M. (AEB-J)b nts mld	3	1-5-76	v	
1-5	Petition for writ of H/C/A/P, filed. hm				
1-5	Writ issued. hm				

DATE	IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1-7-76 1-7-76	Order, filed, granting WHCAP. (AEB-J) ph <i>copy to Robert B. Burt</i> Case called for change of plea. Deft. present & represented. Govt. represented. Deft. does not change his plea. Trial date changed from 1-12-76, to 1-15-76, at 10:00 A.M. (AEB-J) b	3	1-7-76	✓	3
1-8-76 1-8-76	Petition to enter plea of Guilty, filed. b Case called for change of plea. Deft. present & represented. Govt. represented. Deft. placed under oath. Deft. w/draws plea of Not Guilty & enters plea of GUILTY; IS adjudged GUILTY as charged. Deft. waives jury; waiver signed & filed in open court. Indict. read. Sentence set for 1-27-76, at 10:00 A.M. Remanded to USM.				
1-16	WHCAP, ret. & filed: deft. Nelson Gabriel Montgomery transported from Osage County Jail to Tulsa on 1-6-76, and returned to Osage Co. Jail on 1-9-76. g				
1-20	Petition for WHCAP, filed. ph				
1-22	Order, filed, granting WHCAP in re Deft. in re 1-27-76 hrg. (sent.). (AEB-J) v				
12-29-75	WHCAP, ret. & fld.: deft. Montgomery transported from Osage Co. Jail to Tulsa, OK, on 12-15-75, and returned to Osage Co. Jail on 12-23-75. g				
1-27-76	Case called for sentencing. Deft. present & represented. Govt. represented. Deft. & co. asked if they have anything to say before sentence is pronounced: Judgment & Sentence - Nelson Gabriel Montgomery Atty Gen. - Maximum period of Life, for a study as described in 4208(c), results of such study to be furnished Ct. w/in 90 days, whereupon sent. of imprisonment herein imposed may be subject to modification in accordance with 4208(b). Ct. recommends U.S. Med. Center for Fed. Prisoners, Springfield, Mo. Deft. remanded to custody of USM. (AEB-J) b				
1-27-76	Judgment & Commitment, filed & entered. (AEB-J) b				
1-27-76	Two c/c of J&C to USM. b				
2-9	Return on Warrant for Arrest of Deft. Montgomery, fld. Returned unexecuted, handled on WHCAP. 1-30-76. v				
2-27	USM return on J&C, filed. Executed by delivering deft. to Tulsa Co. Jail, Tulsa, OK, on 1-26-76 and by delivering deft. to Med. Center for Fed. Prisoners at Springfield, MO, on 2-17-76. k				
3-4	Order, filed, granting MCFP until 5-25-76 to file §4208 report on defendant. (AEB-J) g cp mld.				
5-25	MO: Case set for definitive sentence on 6-1-76, at 2:00 p.m. (AEB-J) s nts mld.				
6-1	Case called for definitive sentencing. Deft. present & represent ed. Govt. represented. Deft. & co. asked if they have anything to say before sentence is pronounced.				
	(Continued)				
		(a)	(b)	(c)	(d)
	Interval (per Section II)	Start Date End Date	Ltr. Code	Total Days	

For Identifying
Periods of Exclud-
able Delay Per 18
U.S.C. 3161(h)

A. Examination or
hearing for
mental or
physical in-
capacity (18
U.S.C. 4244).

B. NARA Exam-
ination (28
U.S.C. 2902).

C. State or Federal
trials on other
charges.

D. Interlocutory
Appeals.

E. Hearings on
pretrial motions.

F. Transfers from
other districts
per F.R.Cr.P.
Rules 20, 21
& 40).

G. Defendant Mo-
tion is actually
under advise-
ment. Period of
up to 30 days
is excludable
per
3161(h)(1)(G).

H. Miscellaneous
Proceedings:
Probation or
Parole revoca-
tion, Departa-
tion,
Extradition.

I. Prosecution de-
ferred by
mutual agree-
ment.

M. Unavailability
of defendant
or essential
witness.

N. Period of men-
tal or physical
incompetence
of defendant to
stand trial.

O. Period of
NARA Com-
mitment or
Treatment.

P. Superseding
indictment
and/or new
charges.

R. Defendant
awaiting trial
of Co-defen-
dant when no
severance has
been granted.

T. Continuances
Granted per
3161(h)(8)
(i.e. ends of
justice or com-
plexity of case
outweighs de-
fendants' in-
terests).

U. Time between
guilty plea and
plea with-
drawal.

V. Time while
moving prisoner
from state insti-
tutions per
transfer/
detainer pro-
cedure.

W. Grand Jury in-
dictment ex-
tended per
3161 (b).

Y. Any delay ex-
cluded by court
order for reasons
not included
above.

CRIMINAL DOCKET

DATE	PROCEEDINGS
6-1	Judgment & Sentence - Nelson Gabriel Montgomery Atty. Gen. - Twenty-five (25) years. It is further adjudged that execution of this sentence is deferred until state charges are disposed of. It is further ordered that the Ct. be furnished a 90 day progress report.(AEB-J)b
6-1	Judgment & Commitment, filed & entered.(AEB-J)b
6-1	Two c/c of J&C to USM. b
6-2	WHCAP, ret. & filed: deft. Mongtomery transported from Osage County Jail, Pawhuska, Ok. to Tulsa County Jail, Tulsa, Ok. on 1-26-76, and returned to Sheriff of Osage County, Pawhuska on 6-2-76. g
7-22	Return on Judgment and Commitment, fld. Executed by delivering Deft. to USP at Terre Haute, Ind., on 6-29-76. (Deft. previously delivered to USP, Leavenworth, KS, on 6-24-76 before Terre Haute) v
8-5	Deft's request for Reduction of sentence, filed. b cpy to Dene
9-16	Order, filed, overruling deft's mot. seeking psychiatric study, modification of sentence, and hearing on said motion. (AEB-J)k cps mld
9-28	Order, fld., that the Judgment and Commitment Order entered 6-1-76 is modified to read as follows: It is adjudged that the Deft. Montgomery is committed to the custody of the Atty. Gen. for 15 yrs. (AEB-J)v -cps. mld. <i>copy to US Pen.</i>

DATE

PROCEEDINGS